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In re Application of: FRANCOEUR, Bruno, et al.

U.S. Application No.: 09/147,574

PCT No.: PCT/CA97/00459

International Filing Date: 25 June 1997

Priority Date: 22 July 1996

Attorney's Docket No.: 017835/0342

For: LOW STRAY INTERCONNECTION
INDUCTANCE POWER CONVERTING
MODULE FOR CONVERTING A DC
VOLTAGE INTO AN AC VOLTAGE, AND A
METHOD THEREFOR

DECISION ON PETITION TO
RECONSTRUCT FILE

This decision is issued in response to applicants' "Request For Reconstruction Of Lost File" filed 02 October 2003. No petition fee is required.

BACKGROUND

On 25 June 1997, applicants filed international application PCT/CA97/00459 which claimed a priority date of 22 July 1996 and which designated the United States. On 29 January 1998, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 22 January 1999.

On 22 January 1999, applicants assert that papers initiating the national stage for PCT/CA97/00459 were filed, including a Form PTO-1390 Transmittal Letter, declaration, Preliminary Amendment, and a check in payment of the basic national fee. The present petition includes a copy of these materials, as well as a return postcard itemizing the submission and bearing a USPTO receipt stamp dated 22 January 1999 and the application number 09/147,574.

On 25 February 1999, applicants assert that an assignment with accompanying fee was filed. The present petition includes a copy of the assignment and a return postcard bearing a USPTO receipt stamp dated 25 February 1999.

On 06 April 1999, applicants assert that a Second Preliminary Amendment and accompanying \$872 fee payment were filed. The present petition includes a copy of the submission and a return postcard bearing a USPTO receipt stamp dated 06 April 1999.

On 22 April 1999, applicants assert that an Information Disclosure Statement was filed. The present petition includes a copy of the submission and a return postcard bearing a USPTO receipt stamp dated 22 April 1999.

On 21 November 1999, applicants assert that a "Status Inquiry" was filed. The present petition includes a copy of the Status Inquiry and a return postcard bearing a USPTO receipt stamp dated 21 November 1999.

On 17 January 2003, applicants assert that a first "Request For Reconstruction Of Lost File" was filed. The present petition includes a copy of the Request and a return postcard bearing a USPTO receipt stamp dated 17 January 2003.

On 02 October 2003, applicants filed the "Request For Reconstruction Of Lost File," with accompanying materials, considered herein. At the time the present petition was filed, neither the application file nor any of the previously filed materials could be located.

DISCUSSION

Based on applicants' statements and the stamped return postcards, it is concluded that the materials attached to the present petition and discussed above were filed on the dates evidenced by the return postcards.

Applicant's 22 January 1999 submission was sufficient to initiate this national stage application. Because the basic national fee payment included with this submission has not been located, Deposit Account No. 19-0741 will be charged the required \$840 basic national fee. A review of the materials filed 22 January 1999, including the inventors' declaration, confirms that this submission satisfied the requirements of 35 U.S.C. 371.

CONCLUSION

Applicants' petition is **GRANTED**.

The materials submitted herein will be treated as having been originally filed on the dates claimed by applicants and evidenced by the accompanying return postcards, including the 22 January 1999 submission to timely initiate this national stage application.

Deposit Account No. 19-0741 will be charged the required basic national fee of \$840.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The 35 U.S.C. 371(c) date is 22 January 1999.

A handwritten signature in dark ink, appearing to read 'RMR', is positioned above the typed name.

Richard M. Ross

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